

EXHIBIT 110

Highly Confidential - For Attorneys' Eyes Only

1

1 FOR THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 *****

4 STUDENTS FOR FAIR ADMISSIONS, INC.,

5 Plaintiff

6 vs.

No. 1:14-cv-14176

7 PRESIDENT AND FELLOWS OF HARVARD

8 COLLEGE (HARVARD CORPORATION)

9 Defendants

10 *****

11 - HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY -

12
13 VOLUME: I

14 PAGES: 1-268

15
16
17 DEPOSITION of TIA M. RAY

18 Wednesday, June 7, 2017

19 9:00 a.m.

20 Held at: Wilmer Cutler Pickering Hale and Dorr,

21 LLP

22 60 State Street

23 Boston, Massachusetts

24 Megan M. Castro, RPR, Court Reporter

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1 BY MR. CONNOLLY:

2 Q. Do alumni interviewers take race into
3 account when deciding a student's alumni
4 interview rating?

5 MS. MOONEY: Objection.

6 A. I don't know.

7 BY MR. CONNOLLY:

8 Q. In your experience, do a group of
9 students tend to have different alumni interview
10 ratings based on race?

11 MS. MOONEY: Objection.

12 A. No.

13 BY MR. CONNOLLY:

14 Q. Do you also do an overall ranking?

15 A. Yes.

16 Q. How do you calculate this?

17 MS. MOONEY: Objection.

18 A. In our whole-person review process, by
19 looking at the strength of the admissions case
20 overall.

21 BY MR. CONNOLLY:

22 Q. Is it a -- does it depend on the
23 rankings, on the ratings that you gave the
24 students in these other categories?

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1 MS. MOONEY: Objection.

2 A. No.

3 BY MR. CONNOLLY:

4 Q. Is race taken into account when you give
5 a student an overall rating?

6 MS. MOONEY: Objection.

7 A. It depends.

8 BY MR. CONNOLLY:

9 Q. How so?

10 MS. MOONEY: Objection.

11 A. On the individual case and the individual
12 admissions officer.

13 BY MR. CONNOLLY:

14 Q. So it can vary. So one student could
15 receive a different --

16 MR. CONNOLLY: Strike that.

17 BY MR. CONNOLLY:

18 Q. Why is race taken into account for the
19 overall rating?

20 MS. MOONEY: Objection.

21 A. I don't understand.

22 BY MR. CONNOLLY:

23 Q. What don't you understand?

24 A. I don't understand the question.

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1 Q. Why do you take race into account when
2 determining a student's overall rating?

3 MS. MOONEY: Objection.

4 A. Again, for individual students in
5 individual cases.

6 BY MR. CONNOLLY:

7 Q. For a student that you are taking his or
8 her race into account, why would you do it?

9 MS. MOONEY: Objection.

10 A. Because in our whole-person review
11 process, race is one of the many factors that we
12 are considering.

13 BY MR. CONNOLLY:

14 Q. Why is it different -- why do you take
15 race into account in the overall rating but in
16 none of the other ratings?

17 MS. MOONEY: Objection.

18 A. It depends on the individual case. And
19 we may take it into account in that overall
20 rating to reflect the strength of the case and to
21 provide a slight tip for some students.

22 BY MR. CONNOLLY:

23 Q. Can you give me an example, without
24 telling the person's name, of how you have given

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1 MS. MOONEY: Objection.

2 A. Dean Fitzsimmons.

3 BY MR. CONNOLLY:

4 Q. And when he calls the vote, does he
5 typically make a recommendation of how he would
6 vote?

7 MS. MOONEY: Objection.

8 A. Typically, no.

9 BY MR. CONNOLLY:

10 Q. Is it majority vote to decide whether a
11 student is admitted, wait-listed, or denied?

12 MS. MOONEY: Objection.

13 A. Yes.

14 BY MR. CONNOLLY:

15 Q. Have you ever heard of a decision that
16 the committee took on a student being overruled
17 outside of full committee?

18 MS. MOONEY: Objection.

19 A. No.

20 BY MR. CONNOLLY:

21 Q. So whatever the full committee votes is
22 the ultimate decision; is that correct?

23 A. Yes.

24 Q. So when you were reviewing all of these

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1 BY MR. CONNOLLY:

2 Q. Were any questions from white students
3 ever sent to the UMRP?

4 MS. MOONEY: Objection.

5 A. I can't remember.

6 BY MR. CONNOLLY:

7 Q. But you don't remember any right now?

8 A. Correct. At the moment, I don't remember
9 any.

10 Q. Where would questions from white
11 students, where would those go?

12 MS. MOONEY: Objection.

13 A. Where the students submitted or asked
14 them.

15 BY MR. CONNOLLY:

16 Q. What is Visitas?

17 A. Our visiting student weekend for admitted
18 students.

19 Q. When does that typically happen?

20 A. April.

21 Q. Is that open to all students?

22 MS. MOONEY: Objection.

23 A. All admitted students.

24 BY MR. CONNOLLY:

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1 Q. What is UMRP's role with Visitas?

2 MS. MOONEY: Objection.

3 A. Helping with hosting admitted students,
4 having a variety of events during the weekend.

5 BY MR. CONNOLLY:

6 Q. What do you mean by "hosting"?

7 A. Arranging hosts for prospective
8 undergraduate students who are visiting.

9 Q. Would those hosts be undergraduate
10 students?

11 A. Yes.

12 Q. How do you go about arranging housing for
13 these admitted students?

14 MS. MOONEY: Objection.

15 BY MR. CONNOLLY:

16 Q. As in, do you reach out to them somehow?

17 A. Yes.

18 Q. Is that by phone?

19 A. Yes.

20 Q. Are the calls divided up by division
21 within your office?

22 MS. MOONEY: Objection.

23 A. Yes.

24 BY MR. CONNOLLY:

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1 Q. How are those calls divided up?

2 A. By division. So Asian-American students
3 would be called by Asian-American coordinators.
4 African-American students would be called by
5 African-American coordinators.

6 Q. When those calls are made, do those
7 callers ask whether the admitted student would
8 like to stay with a person of their race?

9 MS. MOONEY: Objection.

10 A. We ask if students would like to be
11 hosted through the undergraduate minority
12 recruitment program.

13 BY MR. CONNOLLY:

14 Q. If a student says yes, then how do you
15 assign -- how do you find that student housing?

16 MS. MOONEY: Objection.

17 A. By matching them with another -- with a
18 current undergraduate student who might have
19 similar interests, might be from the same
20 hometown, et cetera, who has volunteered to host
21 through the UMRP.

22 BY MR. CONNOLLY:

23 Q. Is it typically -- are hosts typically
24 assigned on the basis of their race?

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1 MS. MOONEY: Objection.

2 A. Yes. As one consideration that our
3 students are looking at when finding who might be
4 a good host match for a prospective student.

5 BY MR. CONNOLLY:

6 Q. Sure. Does, for example, the
7 African-American division have a list of
8 African-American current undergraduate students
9 who have volunteered to host admitted students?

10 A. Yes.

11 Q. So if an African-American coordinator
12 called up an African-American admitted student
13 and that student requested housing, typically the
14 admitted student would be placed with another
15 African-American undergraduate student. Is that
16 correct?

17 MS. MOONEY: Objection.

18 A. Yes.

19 BY MR. CONNOLLY:

20 Q. When one of your coordinators is calling
21 this admitted student, do they inform them of
22 this process?

23 MS. MOONEY: Objection.

24 A. Yes.

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1 A. I can't remember specifically.

2 MR. CONNOLLY: Off the record.

3 (Recess taken at 3:28 p.m.)

4 (Recess ended at 3:47 p.m.)

5 BY MR. CONNOLLY:

6 Q. In addition to UMRP, are there any other
7 programs at Harvard designed to recruit students?

8 MS. TSAI: Objection.

9 A. Yes.

10 BY MR. CONNOLLY:

11 Q. Can you identify those programs?

12 A. The Harvard College connection, Harvard
13 financial aid initiative, Harvard
14 first-generation program.

15 Q. So who -- what types of students does the
16 Harvard College connection recruit?

17 MS. TSAI: Objection.

18 A. A variety of students. For example,
19 students from rural areas.

20 BY MR. CONNOLLY:

21 Q. Does it have a stated mission of any
22 sort?

23 A. I don't know.

24 Q. Can you give me any more examples besides

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1 rural students that the Harvard College
2 connection would recruit?

3 A. Any student who has opted in to receive
4 communications from the Harvard College
5 connection is another example.

6 Q. Let's focus on students who have been
7 admitted, admitted but have not accepted their
8 placement yet.

9 Would the Harvard College connection
10 reach out to any of those students?

11 A. No, not in typical practice.

12 Q. So is the Harvard College connection
13 typically focused on getting students to apply to
14 Harvard?

15 A. Yes.

16 Q. And HFAI, what types of students do they
17 recruit?

18 MS. TSAI: Objection.

19 A. Students who might particularly benefit
20 from our robust financial aid program.

21 BY MR. CONNOLLY:

22 Q. Would HFAI ever reach out to students who
23 have been admitted to Harvard?

24 MS. TSAI: Objection.

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1 A. Yes.

2 BY MR. CONNOLLY:

3 Q. And which students would they reach out
4 to?

5 A. Students who would particularly benefit
6 significantly from Harvard's financial aid
7 program.

8 Q. Do you know how that is determined?

9 MS. TSAI: Objection.

10 A. I don't know.

11 BY MR. CONNOLLY:

12 Q. Is it family income?

13 MS. TSAI: Objection.

14 A. I don't know.

15 BY MR. CONNOLLY:

16 Q. Do they reach out to these students
17 regardless of race?

18 MS. TSAI: Objection.

19 A. Yes.

20 BY MR. CONNOLLY:

21 Q. So is it possible that an admitted
22 student would receive a call both from UMRP and
23 HFAI encouraging them to come to Harvard?

24 MS. TSAI: Objection.

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1 A. Yes.

2 BY MR. CONNOLLY:

3 Q. Is there any coordination between the two
4 programs to make sure that no duplication of
5 efforts occurs?

6 MS. TSAI: Objection.

7 A. In typical practice, no.

8 BY MR. CONNOLLY:

9 Q. And the Harvard first-generation program,
10 what the types of students they recruit?

11 MS. TSAI: Objection.

12 A. Students who are the first generation in
13 their family to attend college.

14 BY MR. CONNOLLY:

15 Q. These types of students who are admitted,
16 will they receive calls from the Harvard
17 first-generation program encouraging them to
18 attend Harvard?

19 MS. TSAI: Objection.

20 A. Yes.

21 BY MR. CONNOLLY:

22 Q. And similarly, does an admitted student,
23 if he or she was both first generation and a
24 minority student, receive calls from both UMRP

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1 and the Harvard first-generation program?

2 MS. TSAI: Objection.

3 A. Yes.

4 BY MR. CONNOLLY:

5 Q. Is there any efforts to avoid duplication
6 between UMRP and Harvard first-generation
7 program?

8 MS. TSAI: Objection.

9 A. In typical practice, no.

10 BY MR. CONNOLLY:

11 Q. So are there any students, admitted
12 students, who would not receive a call from
13 Harvard encouraging them to attend?

14 MS. TSAI: Objection.

15 A. Yes.

16 BY MR. CONNOLLY:

17 Q. Which type of students would that be?

18 MS. TSAI: Objection.

19 A. Typically international students.

20 BY MR. CONNOLLY:

21 Q. Are there any other students who would
22 not receive a call encouraging them to join?

23 A. No.

24 Q. What about a nonminority student who is

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1 not a first generation and who is above the HFAI
2 threshold? Would that student receive a call
3 from Harvard encouraging them to attend Harvard?

4 MS. TSAI: Objection.

5 A. Yes.

6 BY MR. CONNOLLY:

7 Q. Who would call them?

8 A. The undergraduate admissions council.

9 Q. Who is the undergraduate admissions
10 council?

11 A. Another student-staffed branch of the
12 admissions office.

13 Q. Got it.

14 And would they -- do they call these --
15 they call these students? Sorry.

16 Could you say the name of it again?
17 Undergraduate --

18 A. Undergraduate admissions council.

19 Q. And so the undergraduate -- members of
20 the undergraduate admissions council call certain
21 admitted students and encourage them to attend
22 Harvard?

23 MS. TSAI: Objection.

24 A. I don't understand.

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1 BY MR. CONNOLLY:

2 Q. Does the undergraduate admissions council
3 ever call admitted students and encourage them to
4 attend Harvard?

5 A. Yes.

6 ([Exhibit 11](#), Native American Heritage
7 Affidavit, Bates Number HARV00028576, marked
8 for identification.)

9 BY MR. CONNOLLY:

10 Q. Do you recognize this document?

11 (Witness viewing [Exhibit 11](#).)

12 A. Not specifically.

13 Q. Do you know what it is?

14 A. It appears to be an example of a Native
15 American heritage affidavit.

16 Q. Does Harvard request Native American
17 heritage affidavits -- does Harvard ever request
18 this type of document from students?

19 A. No.

20 Q. Do you know where this document would
21 come from?

22 MS. TSAI: Objection.

23 A. I don't remember.

24 BY MR. CONNOLLY:

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1 Q. Okay. What -- if you think back to the
2 last person or any person you can think of who
3 you placed on the Z list, what were the
4 considerations that -- why did you decide to
5 recommend that that person go on the Z list
6 instead of being admitted?

7 MS. TSAI: I will just remind the witness
8 not to reveal any identifiable information or
9 names.

10 And objection.

11 A. Based on the strength of the case and the
12 many factors that we consider, I thought that the
13 individual student that I am thinking of that was
14 recommended to be a deferred admit was an
15 excellent candidate for admission.

16 BY MR. CONNOLLY:

17 Q. Did you think that the person -- what
18 characteristics about this individual made him or
19 her appropriate for the Z list but not
20 appropriate to be admitted?

21 MS. TSAI: Objection.

22 MR. CONNOLLY: Off the wait list.

23 A. Our freshmen class is currently full.

24 BY MR. CONNOLLY:

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1 CERTIFICATE

2 Commonwealth of Massachusetts

3 Suffolk, ss.

4
5 I, Megan M. Castro, Registered
6 Professional Reporter and Notary Public in and for
7 the Commonwealth of Massachusetts, do hereby
8 certify:

9 That TIA M. RAY, the witness whose
10 deposition is hereinbefore set forth, was duly
11 sworn by me and that such deposition is a true
12 record of the testimony given by the said witness.

13 IN WITNESS WHEREOF, I have hereunto set
14 my hand on June 19, 2017.

15
16
17 Megan M. Castro
18 Registered Professional Reporter
19 Certified Shorthand Reporter No. 152614

20 My Commission expires:

21 July 31, 2020
22
23
24